



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE**  
**ANALYSIS AND DECISION OF THE DIRECTOR OF**  
**THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2404697  
**Applicant Name:** Brittani Ard for Theo Construction  
**Address of Proposal:** 9701 Dayton Avenue North

**SUMMARY OF PROPOSED ACTION**

Master use permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are: Parcel A-5,101.1 sq. ft. and Parcel B-5,101 sq. ft. A portion of existing single family residence and an existing accessory structure (shop) to be removed.

The following approval is required:

**Short Subdivision** – to create two (2) parcels of land (SMC Chapter 23.24).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

**Site & Area Description**

This 10,203.35 square foot (sq. ft.) project site is located in a Single Family residential zone with a minimum lot size of 5,000 square feet (SF 5000), located in the Greenwood area of the City of Seattle. The parcel is a corner lot located on the northwest side at the intersection of Dayton Avenue North and North 97<sup>th</sup> Street. An existing house with a basement garage and a detached storage shed resides on the site. The subject lot is relatively flat. The site is also bounded by a 16' wide graveled alley just west of the westernmost property line. Dayton Avenue North is a paved roadway with a sidewalk on the west side of the street. North 97<sup>th</sup> Street is a paved roadway with a sidewalk, curb and street trees on

the north side of the street. The subject site is not located within any identified or designated Environmentally Critical Areas (ECA). Both streets are classified as Non-arterial Streets, pursuant to SMC Chapter 23.53. Surrounding properties and blocks are also zoned SF 5000. Development in the area consists of a variety of one and two-story single-family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.

### Proposal

The proposal is to subdivide one parcel of land into two (2) lots. Proposed lot areas are indicated in the summary above. Parcel A will have direct access to both Dayton Avenue North and North 97<sup>th</sup> Street. Parcel B will have direct access to North 97<sup>th</sup> Street. The existing single family residence will remain but a portion of the house will be removed. The detached storage shed will be demolished.

The subject of this analysis and decision is only the proposed division of land.

### Public Comment

During the public comment period which ended October 20, 2004, DPD received one (1) written comment letter. The neighbor voiced concerns related to the following:

- Negative impacts to the existing neighborhood's character
- Decrease in the amount of existing open space-large yards.
- Decrease the available land area for preserving the Piper's Creek Watershed.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

### Summary - Short Subdivision

Based on information provided by the applicant, referral comments from Department of Planning and Development (DPD), Water (SWD), Fire Departments (SFD), Seattle City Light, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed plat maximizes the retention of the majority of the existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval, and any necessary fees.
3. Insert the following on the face of the plat: "Any tree removal or replacement is subject to the requirements of Seattle Municipal Code 23.44.008".

4. A no-protest agreement for future improvements to Dayton Avenue North shall be signed and recorded with the King County Department of Records and Elections.
5. Add the conditions of approval to the face of the plat.
6. Specify the location, description and removal of all trees at least 6" in diameter measured 4.5' above the ground, with species indicated on the face of the plat.
7. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (as described in Exhibit "A," P.M. #260431-2-024) on the final short subdivision.
8. Include a 5' wide utility easement as required per Water Availability Certificate (WAC #2004-1613) on the final short subdivision.
9. Include a Seattle Department of Transportation (SDOT) permit number on the face of the plat that authorizes the removal of the curb cut fronting on Dayton Avenue North and the curb cut nearest to the proposed middle boundary line.

Prior to the Individual Transfer or Sale of Lots

1. Legally demolish or remove the existing structure (shed and portion of existing single family residence) prior to sale, purchase, or other ownership transfer of any of the parcels.

After Recording and Prior to Issuance of Any Building Permits

The owner(s) and/or responsible party(s) shall:

1. Attach a copy of the recorded short subdivision to all copies of future building permit application plans.

Signature: (signature on file) Date: January 27, 2005  
Tamara Garrett, Land Use Planner